HON'BLE SMT. JUSTICE T. MEENA KUMARI

WRIT PETITION No.33254 of 1997

Date 6-11-2007

Between:
M. Vasudeva Rao and others.

……PETITIONERS

AND

The A.P.S.R.T.C., Hyderabad and others.

…..RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

W.P. No. 33254 of 1997

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O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not absorbing the petitioner into service as Displaced Employee due to nationalization of the routes as illegal and arbitrary. He also sought for a consequential direction to set aside the proceedings of the 3rd respondent in reference No. P2/785(6)/97-RM-VZM, dated 25.2.97.

Petitioners state that the route in question on which the bus bearing No. ADN 3258 was purported to have been plying was nationalized in the year 1986. It is further stated that even though they made several representations to the respondents seeking to absorb them into service, no action was taken by the respondents. Petitioners, on an earlier occasion filed Writ Petition No. 10907 of 1991, in which a direction was issued to the respondents to consider the cases of the petitioners for absorption in accordance with the circular dated 6.7.1989, if the same is applicable to them and if similarly situate persons are absorbed in pursuance of the said circular. Thereafter, the 3rd

respondent, through the proceedings dated 25.2.1997 rejected the claim of the petitioners on the ground that the vehicle in question is not a displaced vehicle. Aggrieved, the petitioners filed the present writ petition.

Learned counsel for the petitioners would contend that the 3rd respondent without taking into consideration the letter dated 24.9.1991, issued by the Regional Transport Officer, Vizianagaram has rejected the case of the petitioners for absorption.

On a perusal of the letter dated 24.9.1991 of the Regional Transport Officer, Vizinagaram, it is seen that temporary permit was granted in respect of the vehicle in question on the route Parvathipuram to Bandulupi with effect from 5.12.1985 to 20.8.1997 from time to time and the said vehicle was stopped with effect from 1.7.1987.

It is further stated that the said vehicle was continued to be under stoppage till then due to major repairs and subsequently the vehicle did not put on the route in question due to nationalization of all the private routes in the district as per the condition of the approved scheme exceeding eight kilo meters overlapping.

Admittedly, the third respondent while rejecting the case of the petitioners through the impugned order dated 25.2.1997 did not take into

consideration the aforesaid letter of the Regional Transport Officer. In the circumstances, I feel it appropriate to remand the matter to the 3rd respondent for fresh consideration.

The writ petition is accordingly allowed and the impugned order is set aside. The matter is remanded to the 3rd respondent to consider the matter afresh keeping in view the letter dated 24.9.1991 of the Regional Transport Officer, Vizinagaram,

The writ petition is accordingly allowed. No costs.

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T. MEENA KUMARI, J.

Date: 6-11-2007.

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